

Juan A. Panelli Ramery
Proyecto Amor Que Sana, Inc.
Casa Ana Medina
14 Calle Rosich
Ponce, PR 00730

Billed Entity Number:	16081936
Form 471 Application Number:	1047339
Form 486 Application Number:	



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2015-2016

January 08, 2016

Juan A. Panelli Ramery
Proyecto Amor Que Sana, Inc.
Casa Ana Medina
14 Calle Rosich
Ponce, PR 00730

Re: Applicant Name: CENTRAL TECNOLOGICO AMOR QUE SANA
Billed Entity Number: 16081936
Form 471 Application Number: 1047339
Funding Request Number(s): 2858654
Your Correspondence Dated: November 13, 2015

After review of the information and documentation provided, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's funding commitment decision for the FCC Form 471 Application Number and funding requests number(s) (FRN(s)) referenced above. This letter provides an explanation for USAC's decision. The date of this letter also begins the sixty (60) day time period for appealing this decision. If your Letter of Appeal included more than one FCC Form 471 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2858654
Decision on Appeal: **Denied**
Explanation:

- The Schools and Libraries program, also known as the E-rate program, makes telecommunications and information services more affordable for schools and libraries in America. Mandated by Congress in 1996 and implemented by the Federal Communications Commission in 1997, the E-rate provides discounted telecommunications, Internet access, and internal connections to eligible schools and libraries, funded by the Universal Service Fund.

The record shows that Central Tecnologico Amor que Sana filed an FCC Form 471 seeking E-rate support as a library. In order to be eligible to receive

discounted services, libraries must be eligible for assistance from a State Library Administrative Agency under the Library Services and Technology Act (LSTA), and they must not be operating as for-profit businesses. Their budgets must be completely separate from any school's budget (including, but not limited to, elementary and secondary schools, colleges, and universities). Based upon the information provided with your appeal letter, Central Tecnologico Amor Que Sana - Entity # 16081936 is not a library. As a result, it does not qualify for E-rate funding.

The Information provided on appeal also shows that Central Tecnologico Amor Que Sana - Entity # 16081936 is not a school. Eligible schools must meet the statutory definition of an elementary or secondary school found in the No Child Left Behind Act of 2001 (20 U.S.C. Section 7801 (18) and (38)) and they must not be operating as for-profit businesses, and may not have an endowment exceeding \$50 million. For additional information on eligibility requirements, see: Before You Begin Eligibility - <http://www.usac.org/sl/applicants/beforeyoubegin/default.aspx>.

In your appeal, you did not show that USAC's determination was incorrect. Consequently, your appeal is denied.

- FCC regulations enacted pursuant to 47 U.S.C. sec. 254(h)(4) provide, in relevant part, that only libraries eligible for assistance from a State Library Administrative Agency under the Library Services and Technology Act (Public Law 104-208) and not excluded under paragraphs (b)(2) or (b)(3) of this section shall be eligible for discounts under this subpart. *See* 47 C.F.R. sec. 54.501(b)(1). During the review process, USAC determined if you were eligible to receive Universal Service support for libraries pursuant to this rule. This regulation clearly requires USAC to determine whether your State Library Administrative Agency has determined that the library is eligible for assistance under the LSTA. USAC concluded that you were ineligible to receive support because your State Library Administrative Agency determined that you were ineligible for assistance under the LSTA. The FCC's Bootheel Consortium Order directed USAC to permit the applicant to revise its funding request to remove the services for ineligible entities or allow the applicant to provide additional documentation to show why the relevant entity is eligible within 15 calendar days from the date of receipt of notice in writing by USAC. *See* Requests for Review of Decisions of the Universal Service Administrator by Bootheel Consortium, Silver City, New Mexico, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-309634, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 8747, FCC 07-62 para. 10 (May 8, 2007).
- FCC rules provide that only schools meeting the statutory definition of "elementary school" or "secondary school" as defined in section 47 C.F.R. sec. 54.500(c) or (k) and not excluded under paragraphs (a)(2) or (a)(3) of this section shall be eligible for discounts on telecommunications and other supported

services. *See* 47 C.F.R. sec. 54.501(a)(1). The FCC has defined a school as including individual schools, school districts, and consortia of schools and/or school districts. *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9002, FCC 97-157 para. 425, n.1087 (rel. May 8, 1997). An "elementary school" means an elementary school as defined in 20 U.S.C. § 7801(18), a non-profit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under state law. A "secondary school" means a secondary school as defined in 20 U.S.C. § 7801(38), a non-profit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under state law except that the term does not include any education beyond grade 12. *See* 47 C.F.R. sec. 54.500(c) and (k). The FCC's Bootheel Consortium Order directed USAC to permit the applicant to revise its funding request to remove the services for ineligible entities or allow the applicant to provide additional documentation to show why the relevant entity is eligible within 15 calendar days from the date of receipt of notice in writing by USAC. *See* Requests for Review of Decisions of the Universal Service Administrator by Bootheel Consortium, Silver City, New Mexico, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-309634, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 8747, FCC 07-62 para. 10 (May 8, 2007).

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at:
<http://www.usac.org/sl/about/program-integrity/appeals.aspx>.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company